

Docket No.: 278542009300
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Tateo TOYAMA

Application No.: 10/549,304

Confirmation No.: 5968

Filed: (Int'l) February 25, 2004

Art Unit: 2617

For: PORTABLE AUDIO/VIDEO PLAYBACK
APPARATUS

Examiner: S. Hwang

AMENDED APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Notification of Non-Compliant Appeal Brief, under 37 CFR 41.37, dated June 29, 2011, setting a one month period within which to respond set to expire July 29, 2011. Therefore, this Amended Appeal Brief is timely filed.

Specifically, Item 4 of the Notification was checked, indicating that Section V Summary of Claimed Subject Matter did not identify and map all elements of independent claim 1. Section V is amended herein to satisfy all requirements of 37 CFR 41.37(c)(1)(v). Approval is respectfully requested.

As required under § 41.37(a), the original brief was filed within two months of the Notice of Appeal filed in this case on April 13, 2011, and is in furtherance of said Notice of Appeal.

The fees required under § 41.20(b)(2) were dealt with in the previously filed TRANSMITTAL OF APPEAL BRIEF.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1206:

I.	Real Party In Interest
II	Related Appeals and Interferences
III.	Status of Claims
IV.	Status of Amendments
V.	Summary of Claimed Subject Matter
VI.	Grounds of Rejection to be Reviewed on Appeal
VII.	Arguments
VIII.	Claims
IX.	Evidence
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Appendix A	Claims

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is:

Kyocera Corporation

II. RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS

The undersigned is aware of no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 6 claims pending in application.

B. Current Status of Claims

1. Claims canceled: 5 and 8
2. Claims withdrawn from consideration but not canceled: none
3. Claims pending: 1-4 and 6-7
4. Claims allowed: none
5. Claims rejected: 1-4 and 6-7

C. Claims on Appeal

The claims on appeal are claims 1-4 and 6-7

IV. STATUS OF AMENDMENTS

Applicant filed a Response after Final Action, under 37 CFR 1.116, on March 14, 2011; however, no claim amendments were presented therein.

Claims 1-4 and 6-7 were amended in a Response filed November 15, 2010, after a non-final Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 is directed to a portable telephone (see Fig. 1) comprising a portable telephone main body (see Fig. 1, element 1, and page 17, lines 3-17, of the specification) and a broadcast receiver unit (see Fig. 1, element 4, and page 17, lines 5-8 and line 15, to page 18, line 3) removably attached to the portable telephone main body (see Figs. 1 and 2).

The portable telephone main body comprises a speaker (see Fig. 3, element 24, and page 18, lines 13-14); a display (see Fig. 1, element 13); a receiving unit for receiving an audio signal and/or a visible information signal from a telephone network (see Figs. 1 and 3, communications antenna 11, RF circuit 19 and baseband circuit 20, and page 18, lines 4-11); an audio signal processing unit for applying a signal processing to the audio signal received by the receiving unit

for output to the speaker (see Fig. 3, element 22, and page 18, lines 11-16); a video signal processing unit for applying a signal processing to the visible information signal received by the receiving unit for output to the display (see Fig. 3, element 27, and page 18, lines 11-16); and a first interface unit connected to the audio signal processing unit and the video signal processing unit for connecting to the broadcast receiver (see Fig. 3, bus 30 and interfaces 31, 32, 33 and page 21, lines 13-19).

The broadcast receiver unit comprises a second interface unit connected to the first interface unit of the portable telephone main body (see Fig. 3, interfaces 54, 55, 56 and page 21, lines 13-19); and a signal feeding unit for feeding an audio signal and a video signal included in a received television broadcast signal to the second interface unit (see Fig. 3, elements 47 and 48 and interfaces 55 and 56, and page 22, lines 1-22). The audio signal processing unit (Fig. 3, element 22) of the portable telephone main body applies signal processing to the audio signal (see page 22, lines 13-22) fed thereto from the broadcast receiver unit via the first interface unit for output to the speaker (Fig. 3, element 24), while the video signal processing unit (Fig. 3, element 27) applies signal processing to the video signal (see page 22, lines 1-12) fed thereto from the broadcast receiver unit via the first interface unit for output to the display (Fig. 3, element 13) with the broadcast receiver unit attached to the portable telephone main body (see Figs. 2 and 3, and page 22, lines 13-16).

Thus, according to the foregoing embodiment of the present invention as recited in independent claim 1, an audio signal and a video signal included in a television broadcast signal received by the broadcast receiver unit are fed from the first interface unit of the portable phone main body to the audio signal processing means and the video signal processing means, respectively. Then, they may be outputted to the speaker and the display.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1, 2, 4, 6 and 7 are patentable under 35 U.S.C. §103(a) over Suzuki et al. (J.P. 2002-101059) in view of Ando et al. (U.S. 2002-271860), and whether claim 3 is patentable under 35 U.S.C. §103(a) over Suzuki et al. in view of Ando et al., and further in view of Kawata et al. (U.S. 2003/0181226).

VII. ARGUMENT

A. Rejection of claims 1, 2, 4, 6 and 7 under 35 U.S.C. §103(a)

Claims 1, 2, 4, 6 and 7 stand rejected as being unpatentable over Suzuki et al. in view of Ando et al. The rejections are respectfully traversed and reconsideration is requested. The following is a comparison between embodiments of the present invention and the cited art.

For convenience, independent claim 1 as amended in the Response filed November 15, 2010, is provided below:

1. (Previously presented): A portable telephone comprising a portable telephone main body and a broadcast receiver unit removably attached to the portable telephone main body, the portable telephone main body comprising:

- a speaker;
- a display;
- a receiving unit for receiving an audio signal and/or a visible information signal from a telephone network;
- an audio signal processing unit for applying a signal processing to the audio signal received by the receiving unit for output to the speaker;
- a video signal processing unit for applying a signal processing to the visible information signal received by the receiving unit for output to the display; and
- a first interface unit connected to the audio signal processing unit and the video signal processing unit for connecting to the broadcast receiver,

the broadcast receiver unit comprising:

- a second interface unit connected to the first interface unit of the portable telephone main body; and
- a signal feeding unit for feeding an audio signal and a video signal included in a received television broadcast signal to the second interface unit, wherein

the audio signal processing unit of the portable telephone main body applies signal processing to the audio signal fed thereto from the broadcast receiver unit via the first interface unit for output to the speaker, while the video signal processing unit applies signal processing to the video signal fed thereto from the broadcast receiver unit via the first interface unit for output to the

display with the broadcast receiver unit attached to the portable telephone main body.

According to independent claim 1, the *portable telephone main body* comprises a first interface unit connected to the audio signal processing unit and the video signal processing unit for connecting thereto the broadcast receiver unit. The broadcast receiver unit comprises a second interface unit connected to the first interface unit of the portable telephone main body, and a signal feeding unit for feeding an audio signal and a video signal included in a received television broadcast signal to the second interface unit, and the audio signal processing unit of the portable telephone main body applies a signal processing to the audio signal fed thereto from the broadcast receiver unit via the first interface unit for output to the speaker, while the video signal processing unit applies a signal processing to the video signal fed thereto from the broadcast receiver unit via the first interface unit for output to the display with the broadcast receiver unit attached to the portable telephone main body.

Applicant respectfully submits that the cited references at least fail to teach or suggest that “the audio signal processing unit of the portable telephone main body applies signal processing to the audio signal fed thereto from the broadcast receiver unit via the first interface unit for output to the speaker,” as recited in claim 1.

Figure 1 and paragraphs [0013]-[0015] of Suzuki et al. are cited as disclosing the foregoing features of independent claim 1. Suzuki et al. describes a system including a data-broadcasting receiving unit A and a cellular phone B, where “an electric wave received from an antenna 2 is separated into an audio part and a data part by the data-broadcasting receiving part 3. That is to say, the audio part of the received electric wave is detected by a tuner 3a, and is output as audio from an earphone terminal 9.” (See paragraph [0015] and Figs. 1 and 2 of Suzuki et al.). It is noted that the data-broadcasting receiving unit A is external to the cellular phone main body B. (See Fig. 1).

Suzuki et al. neither discloses nor suggests that in the data-broadcasting receiving unit A, the audio part of the received electric wave (i.e., the audio signal) is applied or otherwise provided

to a portable telephone B main body for output therefrom. That is, the *main body* of portable telephone B described in Suzuki et al. does not comprise data-broadcasting receiving unit A, which the Examiner equates to the audio signal processing unit recited in claim 1. In contrast, independent claim 1 of the present application clearly requires that the “portable telephone main body” comprises the audio signal processing unit.

In addition, Ando et al. merely describes that in a television receiver 30, “an image comparison section 17 is received through an image data of a television broadcast which is received by a television receiver 30 from a television broadcast station 60 by a television antenna and a communication network of the portable telephone system, and is compared to the image data of the television broadcast sent from the television broadcast signal receiving part 14. Based on the comparison result, the image comparison section 17 generates tuner adjustment control information to set and adjust the tuner of the television receiver 30 in order for the image data to coincide with each other, and sends the information to a tuner control signal output section 18.” (See paragraph [0021]).

However, Ando et al. neither discloses nor suggests supplying from the television receiver 30 the audio signal to the portable telephone terminal 10 for output therefrom. Thus, the portable telephone terminal 10 of Ando et al. does not comprise “an audio signal processing unit” as recited in independent claim 1.

In addition, the Examiner acknowledged, on page 4 of the final Action, that Suzuki et al. does not explicitly teach “a signal feeding unit for feeding an audio signal and a video signal included in a received television broadcast signal to the second interface unit” as a structure of the data-broadcasting receiving unit. (Emphasis in original.) However, the Examiner cites Ando et al. as disclosing these features, and states that Ando et al. teaches “a signal feeding unit for feeding an audio signal and a video signal included in a received television broadcast signal to the second interface unit (Drawings 1; TV connection connector 30 (which seems to be a misprint of referential numeral 19))” as a structure of a television receiver’s side. (Emphasis in original.)

However, in Ando et al., a “TV connector 19” which is a part of the television receiver’s side feeds image data obtained from an external connector 35 of a television receiver 30 to an image comparison section 17 of a mobile phone terminal 10. (See, paragraph [0021] and Fig. 1 in Ando et al.). Therefore, the image data obtained from the external connector 35 is not outputted to a display. In addition, audio data is not obtained from the external connector 35 of the television receiver 30.

In contrast, according to embodiments of the present invention as recited in independent claim 1, an audio signal and a video signal included in a television broadcast signal received by the broadcast receiver unit are fed from the first interface unit of the portable phone main body to the audio signal processing means and the video signal processing means, respectively. Then, they are outputted to the speaker and the display.

Consequently, the Examiner’s recognition that Ando et al. teaches “a signal feeding unit for feeding an audio signal and a video signal included in a received television broadcast signal to the second interface unit (Drawings 1; TV connection connector 30)” is not correct. It appears, therefore, that the Examiner may have misunderstood various portions of the cited reference Ando et al.

As a result, it is respectfully submitted that independent claim 1 patentably distinguishes over the cited references, alone or in combination. Further, dependent claims 2, 4 and 6-7 inherit the patentability of independent claim 1 and are submitted to be allowable for at least the foregoing reasons.

B. Rejection of claim 3 under 35 U.S.C. §103(a)

Claim 3 stands rejected as being unpatentable over Suzuki et al. in view of Ando et al., and further in view of Kawata et al. Claim 3 depends from independent claim 1 and thus patentably distinguishes over Suzuki et al. and Ando et al. for at least the reasons presented above. It is further submitted that Kawata et al. fails to cure the deficiencies of Suzuki et al. and Ando et al., and is not cited as doing such.

VIII. CLAIMS

A copy of the claims involved in the present appeal is attached hereto as Appendix A. As indicated above, the claims in Appendix A do include the amendments filed by Applicant on November 15, 2010. No further amendments were presented after final Action.

IX. EVIDENCE

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the examiner is being submitted.

X. RELATED PROCEEDINGS

No related proceedings are referenced in II. above, or copies of decisions in related proceedings are not provided, hence no Appendix is included.

Dated: July 14, 2011

Respectfully submitted,

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APPENDIX A**Claims Involved in the Appeal of Application Serial No. 10/549,304**

1. (Previously presented): A portable telephone comprising a portable telephone main body and a broadcast receiver unit removably attached to the portable telephone main body, the portable telephone main body comprising:

a speaker;

a display;

a receiving unit for receiving an audio signal and/or a visible information signal from a telephone network;

an audio signal processing unit for applying a signal processing to the audio signal received by the receiving unit for output to the speaker;

a video signal processing unit for applying a signal processing to the visible information signal received by the receiving unit for output to the display; and

a first interface unit connected to the audio signal processing unit and the video signal processing unit for connecting to the broadcast receiver,

the broadcast receiver unit comprising:

a second interface unit connected to the first interface unit of the portable telephone main body; and

a signal feeding unit for feeding an audio signal and a video signal included in a received television broadcast signal to the second interface unit, wherein

the audio signal processing unit of the portable telephone main body applies signal processing to the audio signal fed thereto from the broadcast receiver unit via the first interface unit for output to the speaker, while the video signal processing unit applies signal processing to the video signal fed thereto from the broadcast receiver unit via the first interface unit for output to the display with the broadcast receiver unit attached to the portable telephone main body.

2. (Previously presented): The portable telephone according to claim 1, wherein the portable telephone main body comprises a power source unit for serving as a power source of the

speaker, the display, the audio signal processing unit and the video signal processing unit, while the broadcast receiver unit comprises a power source unit for serving as a power source of the signal feeding unit.

3. (Previously presented): The portable telephone according to claim 1, wherein the broadcast receiver unit comprises:

a power source unit for serving as a power source of the signal feeding unit, and the speaker, the display, the audio signal processing unit and the video signal processing unit of the portable telephone main body; and

a pair of output terminals for outputting power obtained from the power source unit, while the portable telephone main body comprises a casing incorporating therein the speaker, the display, the audio signal processing unit and the video signal processing unit, the casing comprising a pair of input terminals for inputting power and having recessed therein a containing portion capable of interchangeably containing a battery pack for serving as a power source of the speaker, the display, the audio signal processing unit and the video signal processing unit, and the broadcast receiver unit, wherein the pair of input terminals of the portable telephone main body and a pair of output terminals of the battery pack contact with each other with the containing portion containing the battery pack, while the pair of input terminals of the portable telephone main body and the pair of output terminals of the broadcast receiver unit contact with each other with the containing portion containing the broadcast receiver unit.

4. (Previously presented): The portable telephone according to any one of claims 1 to 3, wherein the portable telephone main body has a telephone communication function, and is capable of demonstrating the telephone communication function both with the broadcast receiver unit attached thereto and with the broadcast receiver unit removed therefrom.

5. (Canceled)

6. (Previously presented): The portable telephone according to claim 4, wherein the receiving unit of the portable telephone main body is used also as a receiving unit for a television broadcast signal with the broadcast receiver unit attached to the portable telephone main body.

7. (Previously presented): The portable telephone according to claim 4, wherein the broadcast receiver unit comprises a receiving unit for receiving a television broadcast signal, and the receiving unit is used also as a receiving unit for receiving an audio signal and/or a visible information signal from a telephone network with the broadcast receiver unit attached to the portable telephone main body.

8. (Canceled)